



1614

Attorney Docket No.
Confirmation No.5637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
CHAWAN

Application No. : 09/808,826

Filed: 03/16/01

For: A FOOD COMPOSITION AND
METHOD FOR TREATING TYPE-II
DIABETES

)
)
) Group Art Unit: 1614

)
) Examiner: WEDDINGTON, K.

RECEIVED

DEC 01 2003

TECH CENTER 1600/2900

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on November 24 2003 with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dennis H. Rainear

Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

RESPONSE TO OFFICIAL ACTION and
SUMMARY OF TELEPHONE INTERVIEW

Sir:

This is in response to the Official Action dated September 24, 2003, and also provides a summary of, and response to, the telephone interview between the undersigned attorney of record and Examiner Weddington that occurred on 28 October, 2003. Claims 1-13 are pending in the application and claims 1-4 and 7-12 are previously withdrawn from consideration.

In The Claims

Please cancel the following claims:

Claims 1-4 and 7-12 (canceled).

Office Action of September 24, 2003

The Examiner stated in the Office Action of September 24, 2003 that claims 5 and 6 are rendered indefinite and vague by the phrase "food composition" which fails to show what a food composition is. The Examiner also stated that claim 13 is rendered indefinite and vague by the phrase "a starch-containing food". Applicant respectfully traverses by pointing out that "food composition" and "a starch-containing food" are quite clearly and fully defined and explained in the specification at, for example, pages 4 and 5. Even more complete is the description of these terms on page 6 under Detailed Description of the Invention. Applicant submits that the rejection is in error and should be withdrawn.

Telephone Interview of 28 October 2003

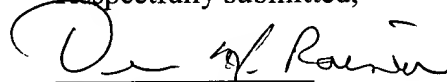
The undersigned attorney of record engaged the Examiner in a helpful telephone interview on 28 October 2003 and pointed out to the Examiner the citations mentioned above where in the specification the terms "food composition" and "a starch-containing food" are clearly defined. During the Interview, the Examiner agreed that the description was clear and sufficient to overcome the rejection of claims 5, 6 and 13 as being indefinite and vague and the Examiner asked the undersigned attorney of record to so respond in this reply to the Office Action. In the Examiner's telephone Interview Summary dated October 30, 2003, the Examiner further confirmed that agreement was reached during the Interview as to the allowability of claims 5, 6 and 13. The Examiner further stated that upon receipt of

this response to the outstanding Office Action of September 24, 2003, claims 5, 6 and 13 will be allowed.

Although no claims are being amended herein, and therefore it is not believed that a new or clean claim set is required, a clean copy of claims 5, 6 and 13 is attached for the convenience of the Examiner. Claims 5, 6 and 13 as filed are in condition for allowance, which is respectfully requested, and claims 1-4 and 7-12 are canceled herein.

As this Response is submitted within the shortened statutory period, it is believed that no additional fees are due. In the event that the undersigned is mistaken in his calculations, an appropriate extension of time to respond is most respectfully requested. In the event the undersigned has miscalculated the fee, or any additional fees or extensions are required, the Commissioner is also requested to and hereby authorized to bill those amounts to deposit account number 501890.

Respectfully submitted,



Dennis H. Rainear
Reg. No 32,486
13400 College Valley Lane
Richmond, Virginia 23233
(804) 788-5516

Date: Nov 24, 2003